

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: OCTOBER 21, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SUP-35468 - APPLICANT: VERIZON WIRELESS, INC. -  
OWNER: TEDDY ENTERPRISES, LP.**

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**\*\* CONDITIONS \*\***

The Planning Commission (5-1/ke vote) and staff recommend DENIAL.

**Planning and Development**

1. The maximum height of the tower structure and all arrays shall not exceed 110 feet in height.
2. The applicant shall obtain all necessary building permits, pay fees and have a final inspection approved within 60 days of final action.
3. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Non-Stealth Design use.
4. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
5. The communications monopole and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopole and its associated equipment and facility.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a Special Use Permit to allow modifications to existing arrays mounted on an existing 110-foot tall Wireless Communication Facility, Non-Stealth Design (Monopole) at 3441 West Sahara Avenue (building permits were issued for the structure under the 3421 West Sahara Avenue address). The replacement of the existing arrays will incur additional height to the wireless tower up to a total height of 112 feet. The increase in height to the existing wireless communications facility will result in an increased visual impact upon the surrounding community. As proposed, the use cannot be conducted in a harmonious manner; therefore staff is recommending denial of the request. If denied, modifications to the wireless tower cannot be made.

**ISSUES**

- Building permits were issued, but a final inspection was never completed for the Wireless Communication Facility. A condition has been added to require that the applicant obtain all necessary building permits and approval of a final inspection within 60 days of final action.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i></b>	
07/30/86	A deed was recorded for change of ownership.
04/16/03	The City Council approved a request for a Special Use Permit (SUP-1555) to allow a proposed 50-foot tall, 14 foot by 48 foot, Off-Premise Sign. The sign height was limited to 40 feet. Staff and the Planning Commission recommended denial of the request.
04/16/03	The City Council withdrew without prejudice a request for a Variance (VAR-1554) to allow a fifty-foot tall Off-Premise Sign where forty-feet is the maximum height permitted at 3421 West Sahara Avenue. The Planning Commission recommended denied the request.
03/28/07	The Planning and Development Department administratively approved of a Site Development Review Plan (SDR-20343) to allow a proposed co-location of antennas on an existing 110-foot wireless communication facility, non-stealth at 3441 West Sahara Avenue. No permits were ever issued, the Site Development Review expired 04/26/07.

12/17/08	The City Council approved a required Three Year Review of an approved Special Use Permit (SUP-1555) for a 40-foot tall, 14-foot by 48-foot, Off-Premise Sign at 3421 West Sahara Avenue. This Special Use Permit would expire two years from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
05/04/09	The Planning and Development Department administratively approved of a Minor Site Development Plan Review (SDR-34222) to remove twelve (12) antennas and relocate nine (9) of those antennas from the 108-foot centerline to the 78'-6" centerline of an existing 110-foot wireless communication facility, non-stealth design (monopole) located at 3421 West Sahara Avenue.
06/23/09	The Planning and Development Department administratively denied a request for a Minor Site Development Plan Review (SDR-34690) for the removal and replacement of three (3) antennas at the 109'-6" centerline of an existing 110-foot Wireless Communication Facility, Non-Stealth Design (Monopole) located at 3441 West Sahara Avenue; could not be approved administratively and a Special Use Permit application will be required prior to submittal of building permits.
09/24/09	<a href="#">The Planning Commission voted 5-1/ke to recommend DENIAL (PC Agenda Item #21/ao).</a>

***Related Building Permits/Business Licenses***

03/15/95	A building permit (#95370378) was issued for the foundation and monopole at 3421 West Sahara Avenue. The permit expired on 09/16/95 and was never finalized.
03/15/95	A building permit (#95370379) was issued for the foundation and 12 feet by 28 feet modular building at 3421 West Sahara Avenue. The permit expired on 09/16/95 and was never finalized.
03/23/95	A building permit (#95368197) was issued for prefabricated equipment shelter monopole and radio tower at 3421 West Sahara Avenue. The permit was 02/24/95.
05/21/07	Application for building permit (#106086) was processed for a collocation of antennas to an existing communication tower at 3441 West Sahara Avenue. The permit was never issued.
07/31/07	A building permit (#23633) was issued for power service installation for Clearwire Broadband-3441 W Sahara Ave. The permit was finalized on 08/01/07.

***Pre-Application Meeting***

A pre-application meeting was not required, nor was one conducted.

***Neighborhood Meeting***

A neighborhood meeting was not held, not was one required.

***Field Check***

08/20/09	A field check was performed and a Wireless Communication Facility with a 110-foot high non-stealth monopole was noted as being located behind an existing shopping center.
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<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	3.50

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
North	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
South	Apartments	ML ( Medium Low Density Residential) and M (Medium Density Residential)	R-PD13 (Residential Planned Development- 13 Unit per Acre)
East	Electrical Substation, Financial Institution, Specified and Parking Lot	PF (Public Facilities) and SC (Service Commercial)	P-R (Professional Office and Parking) and C-1 (Limited Commercial)
West	Apartments and Retail Commercial	M (Medium Density Residential) and SC (Service Commercial)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>		X	
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O (Airport Overlay) District	X		Y
<b>Trails</b>		X	N
<b>Rural Preservation Overlay District</b>		X	N
<b>Development Impact Notification Assessment</b>		X	N
<b>Project of Regional Significance</b>		X	N

## ANALYSIS

The existing monopole and its support facility are located near the rear of an existing Shopping Center. The applicant is applying for a Special Use Permit as the result of a denial of a request for a minor Site Development Plan Review (SDR-34690). The applicant is proposing to replace six, four-foot existing wireless panels with three new eight-foot panels. The modification increases the height of the existing monopole by two feet to a total height of 112.

A research of the building permit history found that a building permit for the wireless tower has never been finalized. The wireless tower has permits for the equipment shelter, however, the permits for the foundation and the monopole expired shortly after being issued. The wireless tower is legally non-conforming for the 600-foot minimum distance separation required from another tower located approximately 85 feet to the southeast, as both towers were constructed prior to the requirement.

Residential adjacency standards are not applicable for the residential planned development property located south of the subject wireless tower. If denied, the proposed modifications could not be made and the wireless tower would remain in its existing state. Building permits and a final inspection will be required for the tower. In addition to the need for the necessary building permits and final inspection, staff recommends denial of the request because the proposed modifications will increase the height of the wireless tower.

## FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed modifications will increase the height of the existing wireless communications facility and will result in a greater visual impact upon the surrounding community. As such, the use cannot be conducted in a harmonious manner and staff is recommending denial of this application.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the type and intensity of the proposed use proposed, as the addition of larger panels to the Wireless Communication Facility would create a visual intrusion.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The site is accessed by two existing driveways to Tamrich Drive and El Conlon Avenue. Both are 60-foot local streets, as the wireless facility is existing, and there is little traffic associated with it, access to the site is adequate.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The wireless facility will be subject to permitting, inspections and licensing by the City of Las Vegas, and will not compromise the health, safety, and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The use does not meet all conditional use regulations, per Title 19.04, making this request for a Special Use Permit necessary.

#### **PLANNING COMMISSION ACTION**

There was one speaker in protest of this project at the Planning Commission Meeting and additional protests submitted.

#### **NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 10

**SENATE DISTRICT** 3

**NOTICES MAILED** 511 by City Clerk

**APPROVALS** 0

**PROTESTS** 0